

From: piyush gupta
To: Microsoft ATR
Date: 1/25/02 9:08pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly:

I am a first generation immigrant, having arrived here from India 23 years ago. I remember the two things that had most impressed me a short time after I landed. One was the highway system - so cleverly built that one could go from one end of the country to another without encountering any barriers like traffic lights! And the second was the anti-trust system underlying our free market economy that has made ours the most powerful nation on Earth. It was an immense eye-opener for me to find out how the anti-trust system had successfully decoupled the film sales market from the film development market and enabled two thriving, competitive markets to develop and benefit consumers nationwide.

Well, I feel that our anti-trust system is letting us down in the MicroSoft case. At least two Federal courts have now determined that MicroSoft is an illegal monopoly - a fact that has been evident for years to professionals in the computing field like myself. I have had some first hand experience in seeing how MicroSoft deals with potential "partners." MicroSoft has yet to deliver any original piece of technology to the marketplace. Their operating system monopoly has been based on getting the DOS software from someone else, partnering then driving IBM away. Their database was stolen from Sybase. Netscape created the browser market, and MicroSoft illegally used their Windows monopoly to virtually drive them out of business.

I work in the computer industry in Silicon Valley. Any entrepreneur who tries to start a company and raise venture capital is now asked how they will prevent MicroSoft from crushing them if they are successful! You can imagine the chilling effect this is having on innovation. If MicroSoft is allowed to continue unchecked, it will be disaster for the American IT industry. Why would you bother to create another innovation like the web browser when you know MicroSoft will copy it, bundle it with Windows, and drive you out of business!

I'm glad the civil suit settlement was rejected - can you imagine, the civil settlement would have provided MicroSoft with a toehold in the education

market, the only one where Apple has been able to hold the off!! I hope you will see fit to reject the proposed DOJ settlement as well. It does not punish MicroSoft for its past anti-competitive practices, nor prevents it from continuing to do so in the future. Approving the current settlement will spell disaster for the future economic well being. Thank you.

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